

Serial No.: 09/539,928

Attorney's Docket No.:10559/148001/P7973

REMARKS

Claims 1, 2, 3, 6-23, and 25-34 were pending prior to amendment. Claims 1, 7, 9, 10, 13, and 17 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,539,483 to Harrison et al. ("Harrison"). Claims 21, 22, and 23 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,466,984 to Naveh et al. ("Naveh"). Claims 2, 3, 6, 11, 12, 14, 15, 18, 19, 25, 26, 28, 29, 30, 31, and 32 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Harrison in view of Naveh. Claims 8, 16, and 20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Harrison in view of U.S. Patent No. 6,678,827 to Rothermel et al. ("Rothermel"). Claims 27, 33, and 34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Harrison in view of Naveh and Rothermel.

Claims 1-3, 6-20, and 25-34

The office action alleges that claims 1-3, 6-20, and 25-34 are unpatentable in view of Harrison, either alone or in combination with one or more of Naveh and Rothermel.

This contention has been obviated by the attached declaration by Uhlas Warrier. This showing establishes the possession of the claimed subject matter prior to the filing

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date of Harrison. The declaration by Uhlas Warrier and the attached Exhibit 1 provide a prima facie showing that, the subject matter in claims 1-3, 6-20, and 25-34 was conceived prior to January 12, 2000, the earliest priority date of Harrison.

After conception, and prior to January 12, 2000, Applicants worked diligently with patent attorneys who were members of Fish & Richardson P.C. to prepare a patent application that described the conceived invention. After this diligent preparation work, the above-referenced application was filed on March 31, 2000.

Based on the above, we respectfully submit that Harrison is no longer an effective reference under 35 U.S.C. 102(e) and 35 USC 103(a). Therefore, the rejections based on Harrison should be withdrawn.

Claims 21-23

Claims 21-23 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Naveh. However, Naveh fails to teach or suggest a number of features of claim 21.

For example, Naveh neither teaches nor suggests the feature defining "use the socket interceptor to detect and reject data packets from unauthorized users and applications and provide the packet guard with context information about the unauthorized users and applications including at least information about a running state of the application," as recited in claim 21.

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It is respectfully noted that Naveh deals with policy-based management of quality of service policies, rather than security policies. (Please see, for example, the Abstract of Naveh). Accordingly, Naveh does not teach or suggest detecting data packets from unauthorized users and applications, and certainly does not teach rejecting such data packets.

The office action alleges that column 13, lines 27-53 of Naveh teaches this feature of claim 21. However, the cited portion of Naveh deals with assigning application code points (ACPs) that define one or more types of traffic flows or classes that are produced by the applications. (Please see column 12, lines 61-67 of Naveh).

Similarly, Naveh neither teaches nor suggests the features "use the packet guard to filter unauthorized activities received from the network interface," "use the packet guard to filter the data packets from unauthorized users and applications based on the context information received by the socket interceptor," and "use the packet guard to filter data packets based on the policies," as recited in claim 21. The office action alleges that column 15, lines 15-55 teach these features of claim 21. However, it is respectfully contended that the cited portion of Naveh does not so teach.

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For at least the above reasons, claim 21 is patentable over Naveh. Claims 22 and 23 depend from Naveh, and are thus patentable for at least the same reasons.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Claims 1, 2, 3, 6-23, and 25-34 are in condition for allowance, and a notice to that effect is respectfully solicited. If the Examiner has any questions regarding this response, the Examiner is invited to telephone the undersigned at (858) 678-4311.

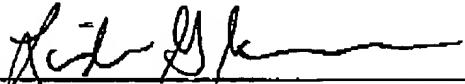
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No fees are believed due. Please apply any other charges
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Respectfully submitted,

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Linda G. Gunderson
Reg. No. 46,341
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10469684.doc